

APPROVED: 2/19/09

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
JANUARY 15, 2009**

A regular meeting of the Town of Highlands Planning Board was held in the Court Room, Town Hall, Highland Falls, New York, on Thursday, January 15, 2009, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Erik Smith, Chairman

Terry Holt

John Hunter

Cathy Kelly

Absent:

Chris Dyroff

M. Justin Rider, Esq. (Rider, Weiner & Frankel, P.C.)

Jennifer Sheldon, P. E., (J. Robert Folchetti & Associates)

ALSO PRESENT:

Inga Quaintance, Town Supervisor, Merv Livsey, Deputy Supervisor, and John Hager, Building Inspector.

The meeting was called to order at 7:00 P. M. with the Pledge to the Flag. It was noted that a quorum was present.

A motion was made to approve the December 18, 2008 Minutes, with the following correction:

Removing the 7:35 P. M. motion to adjourn the meeting. (For clarification: At 7:38 P. M. the Board voted to enter Executive Session, and at 8:00 the Board Meeting was adjourned).

Motion: Mr. Smith

Seconded: Mr. Holt

Approved

VOUCHERS

Secretary (Mrs. DeWitt)	\$ 17.25
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New York Planning Federation	
2009 Dues	\$165.00

Rider, Weiner & Frankel, P.C. (Attorneys)	
General Planning	\$525.00
Corbin Hill	\$ 17.50
Bennett	\$420.00

Blanc	\$ 122.50
Lawless	\$ 297.50

A question was raised by Ms. Kelly as to whether these vouchers are bills to be paid or payments received. The Chairman noted that these are bills to be paid, received after the December 2008 meeting. Mr. Rider stated that his firm gives itemized statements.

COMMUNICATIONS:

1. Lorman training opportunities.

The Chairman stated that these opportunities are somewhat less and good training in New York City for Board Members.

ANNUAL REORGANIZATION

The Chairman welcomed Cathy Kelly as a new member of the Town Planning Board.

APPOINTMENTS

The Chairman stated that this Board elects a Vice Chairman.

A motion was made to appoint Terry Holt as Vice Chairman.

Motion: Ms. Kelly	Seconded: Mr. Hunter	Approved
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A motion was made to appoint Rider, Weiner & Frankel, P. C. as Town Planning Board Attorneys.

Motion: Mr. Holt	Seconded: Mr. Hunter	Approved
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A discussion concerning the appointment of the Town Planning Board Engineers began with questions by Ms. Kelly regarding discussions that were held before she became a member of the Board.

At 7:08 P. M., a motion was made to enter Executive Session to discuss personnel issues.

Motion: Mr. Smith	Seconded: Mr. Holt	Approved
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At 7:15 P. M., a motion was made to end the Executive Session.

Motion: Mr. Smith	Seconded: Mr. Holt	Approved
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A motion was made to appoint J. Robert Folchetti & Associates as Town Planning Board Engineers.

Motion: Mr. Holt	Seconded: Mr. Hunter	Approved
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A discussion concerning the designation of official newspapers for the Town Planning Board was held. The News of the Highlands is a weekly newspaper. There are occasions when the Times Herald Record has been used for timely reporting, noting the additional expense.

A motion was made to designate the News of the Highlands as primary and the Times Herald Record as secondary newspapers for the Town Planning Board.

Motion: Mr. Holt

Seconded: Ms. Kelly

Approved

TRAINING

The Chairman discussed the Annual Association of Towns training which is State mandated for continuing education for Town Officials. Mr. Holt and Ms. Kelly have signed up to attend. Mr. Hunter and Mr. Dyroff will be coordinating their calendars for their attendance. Mr. Rider stated the importance of signing in and signing out properly because there must be evidence of a member taking the course for the Town Board.

OLD BUSINESS - None

Mr. Hager began a discussion noting he had no written correspondence, but that the Department of Transportation had telephoned the Building Department to inform his office that they had gotten the application for the Route 9W roadway cut for the Hudson Highlands Project and anticipate approving it. They have not received an application for a work permit at this time.

The Chairman indicated that it is not technically a pending project since they have final approval. Mr. Rider clarified that the project has final approval that contains conditions. With a project of that size, it is likely that there will be a final submission by the Applicant filing brief responses to the conditions to the Chairman and the plat will be requested.

NEW BUSINESS - None

PUBLIC COMMENT

Mr. Livsey stated he is the Liaison to the Planning Board, and if there is anything he can help with he would do so.

The Chairman presented to the Board a Proposed Amendment July 2008, Town of Highlands Subdivisions Regulations, Regarding Lot-Line Changes for review.

He stated that it is not the Planning Board's job to write or enact laws. On matters that directly pertain to the Planning Board, this Board has made recommendations to the Town Board and it has continued to have a good relationship to that end. There have been many workshops in this regard. This one in particular is identified by the Planning Board itself as an issue, and it comes up every year. It usually involves a simple lot line change that would have no effect on the planning processes with one neighbor helping another. Unfortunately, our Code does not have a provision that allows the Board to treat that differently from a different subdivision. A lot of towns do, to save time and to save people from going through needless things in a very minor situation. What we have here is an example of that.

Ms. Kelly stated that John Hager prepared this at her request while she was on the Town Board. Her approach is that if people are unhappy with the local laws, they should propose how they should be changed, instead of just complaining about them. There was an issue last year with the Building Department, and she suggested that he propose how a change in the local law could be made clearer and as a result, prepared this proposed amendment. The Town Board submitted it to the attorneys for consideration.

The Chairman stated that in a recent discussion he had about subdivision regulations, you can't find them in the Code and that is distressing. There is a packet available to Board Members with all the subdivision regulations, and it is also found in the Building Department. Mr. Rider agreed. The problem is it is not contained in the current version of the Code Book. Several years ago, it was removed for consideration for updating, but it is still effective. There should be a comprehensive review of these regulations, as suggested. With the Comprehensive Plan process coming shortly, there will be zoning changes under that process and subdivision regulations and zoning regulations will be reviewed. Regulations are available to all who request them. Mr. Hager agreed that it would be a benefit to all persons involved for the Code Book to contain all updated information.

Mrs. Quaintance had a question as to who would undertake a revision and updating of the subdivision laws, the Planning Board or perhaps joint Planning and Town Boards. Mr. Rider stated that ultimately the responsibility goes to the Town Board. It was noted that the process has begun and that the Town of Highlands Subdivision Regulations are now a Microsoft Word Document and can be e-mailed to all Board members.

Mr. Hager took the initiative to write this up as a proposal regarding lot line changes for review this evening, with input from an applicant. He approached it by making it a section of the subdivisions regulations and created a way for the Board to review it on a case by case basis for possible exemption based on major lot line changes or a minor lot line change.

The Chairman stated that this was an excellent start. Ms. Kelly asked if it is feasible to consider making simple amendments to what exists now. It was agreed to solve this number one pressing issue concerning lot line changes, and then move on and that the Board could review this proposal and discuss it at the February meeting. Mr. Rider made the suggestion to let the professionals review the proposal and, if there is no urgency by the Town Board, to use the month to make comments. Ms. Sheldon quoted examples from codes concerning lot line changes, and minor subdivisions, indicating that there are many examples available for review.

At 7:55 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Holt

Seconded: Mr. Hunter Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

The next Regular Planning Board Meeting is February 19, 2009.